

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN ASSEMBLY JULY 1, 1999

AMENDED IN SENATE APRIL 8, 1999

SENATE BILL

No. 1288

Introduced by Senator Murray

February 26, 1999

An act to amend, repeal, and add Section 44015 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1288, as amended, Murray. Motor vehicle inspection and maintenance program.

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program that, among other things, requires all motor vehicles, except for certain exempt vehicles, that are registered in designated areas of the state to biennially obtain a certificate of compliance or noncompliance with motor vehicle emission standards. Existing law provides that a certificate of compliance or noncompliance shall be valid for 90 days, except that if the certificate is issued to a licensed automobile dealer, the certificate shall be valid for 180 days.

This bill, until January 1, 2002, instead, would provide that a certificate issued to a licensed motor vehicle dealer shall be valid for a 2-year period, or until the vehicle is sold and registered to a retail buyer, whichever occurs first. The bill would specify that a licensed motor vehicle dealer is responsible for having a smog check inspection performed on,

and a certificate of compliance or noncompliance issued for, every motor vehicle offered for retail sale. Because other provisions of law would make a violation of this requirement a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44015 of the Health and Safety
2 Code is amended to read:

3 44015. (a) A licensed smog check station shall not
4 issue a certificate of compliance, except as authorized by
5 this chapter, to any vehicle that meets the following
6 criteria:

7 (1) A vehicle that has been tampered with.

8 (2) A vehicle that, prior to repairs, has been initially
9 identified by the smog check station as a gross polluter.
10 Certification of a gross polluting vehicle shall be
11 conducted by a designated test-only facility, or a
12 test-and-repair station that is both licensed and certified
13 pursuant to Sections 44014 and 44014.2 and is
14 participating in the pilot program pursuant to
15 subparagraph (B) of paragraph (2) of subdivision (g) of
16 Section 44014.5.

17 (3) A vehicle described in subdivision (c).

18 (b) If a vehicle meets the requirements of Section
19 44012, a smog check station licensed to issue certificates
20 shall issue a certificate of compliance or a certificate of
21 noncompliance.

22 (c) (1) A repair cost waiver shall be issued, upon
23 request of the vehicle owner, by an entity authorized to
24 perform referee functions for a vehicle that has been

properly tested but does not meet the applicable emission standards when it is determined that no adjustment or repair can be made that will reduce emissions from the inspected motor vehicle without exceeding the applicable repair cost limit established under Section 44017 and that every defect specified by paragraph (2) of subdivision (a) of Section 43204, and by paragraphs (2) and (3) of subdivision (a) of Section 43205, has been corrected. A repair cost waiver issued pursuant to this paragraph shall be accepted in lieu of a certificate of compliance for the purposes of compliance with Section 4000.3 of the Vehicle Code. No repair cost waiver shall exceed two years' duration. No repair cost waiver shall be issued until the vehicle owner has expended an amount equal to the applicable repair cost limit specified in Section 44017.

(2) An economic hardship extension shall be issued, upon request of a qualified low-income motor vehicle owner, by an entity authorized to perform referee functions, for a motor vehicle that has been properly tested but does not meet the applicable emission standards when it is determined that no adjustment or repair can be made that will reduce emissions from the inspected motor vehicle without exceeding the applicable repair cost limit, as established pursuant to Section 44017.1, that every defect specified in paragraph (2) of subdivision (a) of Section 43204, and in paragraphs (2) and (3) of subdivision (a) of Section 43205, has been corrected, that the low-income vehicle owner would suffer an economic hardship if the extension is not issued, and that all appropriate emissions-related repairs up to the amount of the applicable repair cost limit in Section 44017.1 have been performed.

(d) No repair cost waiver or economic hardship extension shall be issued under any of the following circumstances:

(1) If a motor vehicle was issued a repair cost waiver or economic hardship extension in the previous biennial inspection of that vehicle. A repair cost waiver or economic hardship extension may be issued to a motor

1 vehicle owner only once for a particular motor vehicle
2 belonging to that owner. However, a repair cost waiver
3 or economic hardship extension may be issued for a motor
4 vehicle that participated in a previous waiver or
5 extension program prior to January 1, 1998, as determined
6 by the department. For waivers or extensions issued in
7 the program operative on or after January 1, 1998, a
8 waiver or extension may be issued for a motor vehicle
9 only once per owner.

10 (2) Upon initial registration of all of the following: a
11 direct import motor vehicle, a motor vehicle previously
12 registered outside this state, a dismantled motor vehicle
13 pursuant to Section 11519 of the Vehicle Code, a motor
14 vehicle that has had an engine change, an alternate fuel
15 vehicle, and a specially constructed vehicle.

16 (e) Except as provided in subdivision (f), a certificate
17 of compliance or noncompliance shall be valid for 90 days.

18 (f) ~~Notwithstanding any other provisions of law,~~
19 ~~including, but not limited to,~~ *Except as provided in*
20 *Sections 4000.1, 24007, 24007.5, and 24007.6 of the Vehicle*
21 *Code, a licensed motor vehicle dealer shall be responsible*
22 *for having a smog check inspection performed on, and a*
23 *certificate of compliance or noncompliance issued for,*
24 *every motor vehicle offered for retail sale. A certificate*
25 *issued to a licensed motor vehicle dealer shall be valid for*
26 *a two-year period, or until the vehicle is sold and*
27 *registered to a retail buyer, whichever occurs first.*

28 (g) A test may be made at any time within 90 days
29 prior to the date otherwise required.

30 (h) This section shall remain in effect only until
31 January 1, 2002, and as of that date is repealed, unless a
32 later enacted statute, that is enacted before January 1,
33 2002, deletes or extends that date.

34 SEC. 2. Section 44015 of the Health and Safety Code
35 is added, to read:

36 44015. (a) A licensed smog check station shall not
37 issue a certificate of compliance, except as authorized by
38 this chapter, to any vehicle that meets the following
39 criteria:

40 (1) A vehicle that has been tampered with.

1 (2) A vehicle that, prior to repairs, has been initially
2 identified by the smog check station as a gross polluter.
3 Certification of a gross polluting vehicle shall be
4 conducted by a designated test-only facility, or a
5 test-and-repair station that is both licensed and certified
6 pursuant to Sections 44014 and 44014.2 and is
7 participating in the pilot program pursuant to
8 subparagraph (B) of paragraph (2) of subdivision (g) of
9 Section 44014.5.

10 (3) A vehicle described in subdivision (c).

11 (b) If a vehicle meets the requirements of Section
12 44012, a smog check station licensed to issue certificates
13 shall issue a certificate of compliance or a certificate of
14 noncompliance.

15 (c) (1) A repair cost waiver shall be issued, upon
16 request of the vehicle owner, by an entity authorized to
17 perform referee functions for a vehicle that has been
18 properly tested but does not meet the applicable emission
19 standards when it is determined that no adjustment or
20 repair can be made that will reduce emissions from the
21 inspected motor vehicle without exceeding the
22 applicable repair cost limit established under Section
23 44017 and that every defect specified by paragraph (2) of
24 subdivision (a) of Section 43204, and by paragraphs (2)
25 and (3) of subdivision (a) of Section 43205, has been
26 corrected. A repair cost waiver issued pursuant to this
27 paragraph shall be accepted in lieu of a certificate of
28 compliance for the purposes of compliance with Section
29 4000.3 of the Vehicle Code. No repair cost waiver shall
30 exceed two years' duration. No repair cost waiver shall be
31 issued until the vehicle owner has expended an amount
32 equal to the applicable repair cost limit specified in
33 Section 44017.

34 (2) An economic hardship extension shall be issued,
35 upon request of a qualified low-income motor vehicle
36 owner, by an entity authorized to perform referee
37 functions, for a motor vehicle that has been properly
38 tested but does not meet the applicable emission
39 standards when it is determined that no adjustment or
40 repair can be made that will reduce emissions from the

1 inspected motor vehicle without exceeding the
2 applicable repair cost limit, as established pursuant to
3 Section 44017.1, that every defect specified in paragraph
4 (2) of subdivision (a) of Section 43204, and in paragraphs
5 (2) and (3) of subdivision (a) of Section 43205, has been
6 corrected, that the low-income vehicle owner would
7 suffer an economic hardship if the extension is not issued,
8 and that all appropriate emissions-related repairs up to
9 the amount of the applicable repair cost limit in Section
10 44017.1 have been performed.

11 (d) No repair cost waiver or economic hardship
12 extension shall be issued under any of the following
13 circumstances:

14 (1) If a motor vehicle was issued a repair cost waiver
15 or economic hardship extension in the previous biennial
16 inspection of that vehicle. A repair cost waiver or
17 economic hardship extension may be issued to a motor
18 vehicle owner only once for a particular motor vehicle
19 belonging to that owner. However, a repair cost waiver
20 or economic hardship extension may be issued for a motor
21 vehicle that participated in a previous waiver or
22 extension program prior to January 1, 1998, as determined
23 by the department. For waivers or extensions issued in
24 the program operative on or after January 1, 1998, a
25 waiver or extension may be issued for a motor vehicle
26 only once per owner.

27 (2) Upon initial registration of all of the following: a
28 direct import motor vehicle, a motor vehicle previously
29 registered outside this state, a dismantled motor vehicle
30 pursuant to Section 11519 of the Vehicle Code, a motor
31 vehicle that has had an engine change, an alternate fuel
32 vehicle, and a specially constructed vehicle.

33 (e) Unless the certificate is issued to a licensed
34 automobile dealer, a certificate of compliance or
35 noncompliance shall be valid for 90 days. If the certificate
36 is issued to a licensed automobile dealer, the certificate
37 shall be valid for 180 days.

38 (f) A test may be made at any time within 90 days prior
39 to the date otherwise required.

1 (g) This section shall become operative on January 1,
2 2002.

3 SEC. 3. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because the only costs that may be incurred
6 by a local agency or school district will be incurred
7 because this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition
11 of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

